

**REMARKS**

Claims 1-14 remain in the application. Applicant notes with appreciation the indication of allowable subject matter in claims 3, 5, 8-10 and 14, but respectfully request reconsideration of the application and allowance of all claims.

The examiner previously rejected claims 1, 2, 4, 6, 7 and 11-13 for anticipation by Hellberg. The examiner now rejects only claims 6, 7, 12 and 13 for anticipation, with claims 1, 2, 4 and 11 being rejected as obvious over Hellberg. In addition, the examiner now rejects claims 1-5 and 11 for failing to satisfy the description requirement of 35 USC 112. All rejections are respectfully traversed.

As to the Section 112 rejection, the specification throughout describes the invention in the context of application to the Universal Mobile Telecommunication System (UMTS), with the examples consistently using a sampling frequency of 3.84 MHz. The modulation rate in a UMTS system is 3.84 MHz. Submitted herewith is a copy of the TS-25.104 standard which specifies in Section 6.8 that the modulation rate is 3.84 Mcps, which is 3.84 MHz. See also US patent publication 20070006029 (e.g., at paragraph [0008]). Accordingly, since the originally filed specification describes the application of the invention to a UMTS system, and since the UMTS system uses a modulation rate of 3.84 MHz, the subject matter of the claims is inherent in and supported by the application as filed, and withdrawal of the rejection is requested.

As to the prior art rejections, applicant has explained in detail in previous responses and in the Pre-Appeal Request for Review the deficiencies in Hellberg's alleged teaching of the claimed invention. The examiner has disagreed, but the distinctions still exist.

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111  
U.S. Application No.: 09/987,758

As to claim 1, the examiner has argued (incorrectly) that the specification does not support the feature that the sampling frequency is equal to the modulation rate, but then ignores this feature of the claim is the prior art rejection. This feature is not taught in the prior art.

As to the unit modulus and opposite phase requirement of claim 7, the examiner refers to lines 24-30 of column 11 of Hellberg, but that simply refers to multiplication by a constant phasor, and does not describe the phasor as having unit modulus. The examiner notes the unit magnitude of the exponential phasor, but even if this were to indicate a unit modulus it does not indicate an opposite phase. The examiner states that the phase shifts are the negative of  $T_c(p)$ , but  $T_c(p)$  does not designate a phase jump to be compensated. Rather, as is clear from, e.g., lines 47-50 of column 9,  $T_c(p)$  designates a phase shift to be applied, not a phase shift to be compensated.

For the above reasons, all claims are believed patentable over the prior art. Accordingly, reconsideration and allowance of this application are now solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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